

**IN THE UNITED STATES COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALFRED ALBRECHT, SR.	:	
	:	
v.	:	CIVIL ACTION
	:	
JEFFREY A. BEARD, Commissioner, Pennsylvania Department of Corrections	:	NO. 99-1479
	:	

ORDER

AND NOW, this 14th day of July, 2009, upon consideration of the Petition for Writ of Habeas Corpus (docket no. 9) and all responses thereto, and consistent with the Third Circuit's Order in Albrecht v. Horn, 485 F.3d 103, 139 (2007), it is **ORDERED** that:

1. Count XI of the Petition is **DENIED WITH PREJUDICE**;
2. The Writ is **GRANTED** based upon Count XIII of the Petition, and Petitioner's sentence is **VACATED**;
3. The execution of the Writ of Habeas Corpus is **STAYED** for 180 days from the date of this Order, during which period the Commonwealth of Pennsylvania may conduct a new sentencing hearing in a manner consistent with this Memorandum and Order;
4. After 180 days, should the Commonwealth of Pennsylvania not have conducted a new sentencing hearing, the writ shall issue and the Commonwealth shall sentence petitioner to life imprisonment;
5. Pursuant to 28 U.S.C. § 2253, a certificate of appealability is issued with respect to the claim pursuant to which the writ is granted; and

6. If either Petitioner or Respondent files an appeal to the United States Court of Appeals for the Third Circuit, this Order will be stayed pending disposition of that appeal pursuant to Local Rule of Civil Procedure 9.4(12).

BY THE COURT:

**__S/ BRUCE W. KAUFFMAN_
BRUCE W. KAUFFMAN, J.**